

For Private Circulation

ADDRESS OF
C. C. McCAUL, K.C.
IN OPENING THE CASE FOR THE PROSECUTION OF
SINNISIAK
AN ESKIMO CHARGED WITH MURDER, BEFORE
THE HON. CHIEF JUSTICE HARVEY
AND A JURY, AT EDMONTON, ALBERTA
AUGUST 14TH, 1917



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In the Supreme Court of Alberta

EDMONTON JUDICIAL DISTRICT

REX,

vs.

SINNISIAC.

(An Eskimo charged with the murder of Rev. Pere Rouviere at Bloody Fall on the Coppermine River near Coronation Gulf on the Arctic Ocean, in November, 1913).

BEFORE The Honourable Chief Justice Harvey, and a Jury; at Edmonton, Alberta, August 14th, 15th, 16th and 17th, 1917.

Mr. C. C. McCaul, K.C., for the Crown.

Mr. J. E. Wallbridge, K.C., for the accused.

OPENING ADDRESS OF COUNSEL FOR THE PROSECUTION

MR. McCaul: May it please Your Lordship, and Gentlemen of the Jury: I think it is proper to explain to you, in the first instance, how these men, who have been brought down from the extreme north of the North West Territories, from the shores of the Arctic Ocean, come to be tried in the Province of Alberta. Provision is made in the Criminal Code to this effect that offences committed in any part of Canada, not in a Province duly constituted as such, and not in the Yukon Territory, may be enquired of and tried within any District, County or place in any province so constituted, or in the Yukon Territories, which may be most convenient. Then the Court proceeds in the same manner as if the crime or offence had been committed in the province, in this case in the Province of Alberta.

In the early days of Canada, in the Reign of George III., there was a very similar Statute in force relating to what was then known as Prince Rupert's Land and Indian Territories, by which the Courts of Upper Canada and Lower Canada were given jurisdiction to try offences committed in those far distant territories in very much the same way as this Court has got jurisdiction to try the particular offence which you are here to enquire into to-day. There was a very celebrated trial held in the year 1818 in the City of Montreal, of two men, Charles de Reinhart and Archibald McLellan, who were brought down from away up in the Far West, probably from the neighborhood of Fort Carlton. They were brought down and tried at Montreal before Chief Justice Sewell. Any person who is sufficiently interested can easily get the report of their trials, which was published in book form at Montreal.

So you can see that the trial upon which we are about to embark now is a very extraordinary one, a very important one, a trial which is really historic, a trial which is absolutely unique in the history of North America, not only of Canada, but I think I am right in saying in the history of North America. The long arm of British Justice has reached out to the shore of the Arctic Ocean, and has made prisoners of two of the aboriginal inhabitants of the Arctic Shore, suspected of having committed the crime in question. It has investigated the circumstances, brought the prisoners before a Justice of the Peace who has committed them for trial, and it has brought them out all this long distance, a journey of nearly three thousand miles, to the capital city of Alberta, to be tried before the Chief Justice of the Province, and a jury of our own Canadian citizens, to be given here a fair, impartial and public trial. The entire public have access to the court-room so far as the court-room is able to accommodate those who wish to attend and to see how justice is administered.

The main instrument of justice in the investigation of the crime and in effecting the arrest of the supposed criminals has been in this case, as it has been in so many cases, the Royal North West Mounted Police. You will have presented to you the whole story relating to their arrest from the time the Police first got information leading them to suspect that these two priests, who had not been heard of for two years, had met with foul play, had come to their death in the "Barrens" bordering on the Arctic Ocean. You will have before you a thrilling story of travel and adventure in lands forlorn, and I am quite sure that after you have heard all the story you will agree with me

that too much credit cannot be given to the young police officer who is here, Inspector LaNauze, for his discretion and for his splendid courage in effecting their arrest. Inspector LaNauze was loyally assisted by Corporal Bruce who is likely to be one of the witnesses, and also by Constable White. Corporal Bruce came all the way down the Coast from Herschel Island to the mouth of the Coppermine River, while Constable White came over-land from Fort Norman, with Inspector LaNauze, traveling, "tracking," up the Bear River, crossing Great Bear Lake, thence over the Divide, and down the Coppermine to its mouth in Coronation Gulf. Inspector LaNauze also received support from special Constable Ilavinek, the Eskimo interpreter, who will probably also be one of the witnesses. Later in effecting the arrest of the second prisoner he had the assistance of this boy, Patsy, half Norwegian and half Eskimo. You can imagine this little expedition starting from the base at Fort Norman and making their way to the shores of the Arctic Ocean; within twenty-seven days from the time they arrived they not only learned the whole story of the slaughter of these priests, but discovered the names of the two Eskimos who had killed them, effected their arrest, brought them before Inspector LaNauze, the magistrate at Bernard Harbor, and had them committed for trial. All this was accomplished as I have said in less than a month.

I have said this is an extraordinary trial. It is extraordinary in this particular way: the arrest by two or three policemen—*peace officers*—not soldiers—*peace officers*—of the two particular individuals, and of these two particular individuals only, out of the whole tribe of the Eskimo, among whom Father Rouviere and Father LeRoux had been working and extending their missionary efforts. Contrast that with what would have happened if white men elsewhere had been massacred by a ~~tribe~~ of savages: there would probably have been only one or two who had effected the actual killing—let us say, in Central Africa, in Borneo, in the Phillipines, or in Mexico or in (a few years ago), the Western States of America. Contrast the different methods, I say: here, with us British Justice reaches out to the shore of the Arctic Ocean and has picked out of the offending tribe two *individual* men; it says: You two men are responsible for these deaths; we do not want anything to do with the rest of the tribe; we have picked the two individuals who we hold to be responsible. What would have happened in the other cases I have referred to? *Retributory* justice would have dispatched a military force, a punitive force, against the tribe.

Retributory justice would have sent a punitive expedition and the tribe would have been decimated as a result, possibly exterminated.

This appears to me an extraordinary instance of the fairness of British Justice and of the peaceful instead of the warlike methods in which it operates.

I have said that this trial is an important trial. It is important particularly in this. The Indians of the Plains, the Blackfeet, and the Crees, and the Chippeweyans and the Sarcees and the Stoneys have been educated in the ideas of justice. They have been educated to know that justice does not mean merely retribution, and that the justice which is administered in our Courts is not a justice of vengeance; it has got no particle of vengeance in it; it is an impartial justice by which the person who is charged with crime is given a fair and impartial trial, and it is only after, a judge—in this case, the Chief Justice—learned in the law, presiding, a jury chosen with care from among representative citizens, with expert counsel assigned to the prisoner, that we attempt to urge a conviction for the crime charged: and it is only after a conviction by such a trial that punishment can be awarded.

These remote savages, really cannibals, the Eskimo of the Arctic regions have got to be taught to recognize the authority of the British Crown, and that the authority of the Crown and of the Dominion of Canada, of which these countries are a part, extends to the furthestmost limits of the frozen North. It is necessary that they should understand that they are *under the Law*, just in the same way as it was necessary to teach the Indians of the Indian Territories and of the North West Territories that they were under the Law; that they must regulate their lives and dealings with their fellow men, of whatever race, white men or Indians, according to, at least, the main outstanding principles of that law, which is part of the law of civilization, and that this law must be respected on the barren lands of North America, and on the shores of the Arctic Ocean, and on the ice of the Polar Seas, even as far as the Pole itself. They have got to be taught to respect the principles of Justice—and not merely to submit to it, but to learn that they are entitled themselves to resort to it, to resort to the law, to resort to British Justice, and to take advantage of it the same way as anybody else does. The code of the savage, an eye for an eye, a tooth for a tooth, a life for a life must be replaced among them by the code of civilization. They must learn to know, whether they are Eskimo or not, that death is *not* the only penalty for

a push or a shove, or a swearword, or for mere false dealing; that for these offences our civilization and justice do not allow a man to be shot or to be stabbed, to be killed or murdered. They have got to learn that even if slight violence is used it will not justify murder, it will not justify killing, and they must be made to understand that Death is not "the only penalty that Eskimo know" or have got to know. If that is their idea, their notion of justice, I hope when the result of this trial is brought back to the Arctic regions that all such savage notions will be effectually dispelled.

This is one of the outstanding ideas of the Government, and the great importance of this trial lies in this: that for the first time in history these people, these Arctic people, pre-historic people, people who are as nearly as possibly living to-day in the Stone Age, will be brought in contact with and will be taught what is the white-man's justice. They will be taught that crime will be swiftly followed by arrest, arrest by trial, and if guilt is established, punishment will follow on the guilt. You, gentlemen, can understand how important this is: white men travel through the barren lands; white men live on the shores of Bear Lake; white men go to the shores of the Arctic Ocean; and if we are to believe the reports of the copper deposits near the mouth of the Coppermine River, many white men more may go to investigate and to work the mines. The Eskimo must be made to understand that the lives of others are sacred, and that they are not justified in killing on account of any mere trifle that may ruffle or annoy them.

Just as it is possible to-day for any white man to travel through the country of the Blackfeet, or the country of the Crees, or the country of any of our own Indians, under the protection of theegis of justice, so it becomes necessary that any white man may travel in safety among the far tribes of the North.

The Eskimo with whom we are dealing as I have said, are practically the Eskimo of Coronation Gulf, and of the surrounding parts of Victoria land; they are an uncivilized race; a pre-historic race. Coronation Gulf is this large gulf here. This is the shore of the Arctic Sea (indicating on map). This is Great Bear Lake, and this land is known as Victoria land, or Victoria Island. Extending far over on the far side of Davis' Strait we have the Island of Greenland or Peninsula of Greenland, whichever it may be; and here is Hudson Strait, and here is Hudson Bay, and Davis' Strait passes through to the North.

Now, the Eskimo of Greenland are, to great extent, civilized. They had the lessons of Christianity brought to them even as early as the year A.D. 1000, by Olaf Erickson. Greenland is under the jurisdiction of Denmark. It is to all intents and purposes a Danish possession, and Greenland is divided into districts and they have overseers. If any persons are under the impression that the Eskimo of Canada are a small and insignificant tribe, it is important that the jury and every other person should have that notion dispelled. There must be many thousands of Eskimo. They are found on the shores of Labrador, out almost as far as Newfoundland: they are found all through, the Territory of Hudson Bay, on the Strait and on the shores of Hudson Bay: they extend on both sides of Davis Strait, all through Baffin's Land, all through these coasts: they are all through these Arctic Passages and Gulfs: they are found in Boothia Peninsula, and they are found on the Arctic shores of North America, extending clear across and around the North of Yukon Territory, around to Alaska, to the Behring Sea. I myself have seen the Eskimo in their kayaks, seventeen hundred miles up the Yukon River at Dawson City. They extend even further south than the mouth of the Yukon. There are known to be at least fifty "tribes" of Eskimo. You can thus see the importance of this trial and that the ideas of justice which we hope to inculcate are not to be confined to some small tribe of people.

The Eskimo with whom we are dealing principally are known as the Copper Eskimo from the fact that they reside in the neighborhood of the mouth of the Coppermine River, in Coronation Gulf. The scene of this tragedy lies in the circle that I am drawing here, showing Coronation Gulf, the Dismal Lakes which are in the neighborhood marked there. It was whilst struggling to extend the knowledge of the Gospel to these Eskimos that these priests, Roman Catholic missionaries, Father Rouviere and Father LeRoux met their death: a homicide with which the prisoners are charged. It was there and under those circumstances that they became martyrs to their faith. History, gentlemen, is repeating itself. Hard on the footsteps of the explorers in North America have always followed the Roman Catholic missionaries. Our own Canadian history furnishes us with many examples of their courage, their fortitude and martyrdom. The Jesuits, in the early days of North America, and of Canada, were conspicuous for their missionary zeal, and to us in the West the names of Pere Nicolet and Pere Hennepin who were tortured and burned to death at St. Anthony's Falls,

where Minneapolis now stands, are household words. But there were others—the Sulpicians, Recollets, Ursulines—who labored among the savage tribes of Canada, and many of them were put to death by the Iroquois among the Hurons on the shores of the Great Lakes, at Michilimackinac, at Detroit, of which you all are doubtless more or less familiar. These two unfortunate Roman Catholic missionaries go off into the barren wilderness a thousand miles or so from their base into the wilds alone among these savage tribes. No white man lives there; there are no means of communication, no telegraphs, no mails: they entrust their lives to the good faith of the tribes among whom they are working.

For the past fifty years or so the Roman Catholic missionaries of our great North West Territories have belonged mostly, if not entirely, to the Order of the Oblates, a missionary order of Roman Catholic priests. It was to this order that these unfortunate priests, with whose death the prisoners are charged, belonged. They belonged to the missionary diocese of Mackenzie. Bishop Breynat was their bishop, and under him was a priest to whom it was the duty of these missionaries to make regular reports by letter whenever they got the opportunity. It was their duty to seize the infrequent opportunities that offered of reporting to their superior officer by letter, and it was their duty also to keep a diary to be submitted to their superiors from time to time. We fortunately have, gentlemen of the jury, the last letters that were written by Father Rouviere and by Father LeRoux. One is dated on the 25th, the other on the 26th of August, 1913. They were killed in the following November. I propose to tender those letters in evidence to show what the intentions of the priests were at that date and where they were going. We fortunately have, and this was picked up on the scene of their cruel death—the weather stained and wind blown diary kept by Father Rouviere. That I also propose to tender in evidence, proving it by Father Duchausois who is here, the last entry being made about the end of October, 1913, within a day or two of their leaving the mouth of the Coppermine River on the fateful journey which terminated alike their mission and their lives.

Gentlemen of the jury, whether we agree or not with the dogmas and tenets of the Roman Catholic Church, all good Christians must acknowledge and respect the zeal and fervour, the courage and fortitude of these Catholic missionaries, and we can at least all agree that they were sincerely anxious to spread among the remotest tribes of the North the knowledge

of God, and of the divinity of Christ, and the fellowship of the Holy Ghost. It was for the cause of Christianity, the cause of the Kingdom of God, that Father Rouviere and Father LeRoux laid down their lives. It is in this Christian community, and before a Judge and Jury both sworn in the name of God to render justice, that the men charged with their cruel and dreadful death will have to be tried.

Now, I will try to explain to you what were the conditions and the surroundings at this time. If you travel North from Edmonton to Athabasca Landing, a hundred miles, if from Athabasca Landing you proceed three hundred miles to Fort McMurray, another one hundred and fifty miles to Fort Chippewayan, another four hundred miles from Fort Chippewayan to Fort Resolution, on Great Slave Lake, from Fort Resolution some one hundred and sixty miles to Fort Providence, and descend the Mackenzie River another seven hundred miles, you will arrive at Fort Norman. Fort Norman is a Hudson's Bay Company's post on the Mackenzie River, at the mouth of a river known as the Bear River because it drains the waters of Great Bear Lake into the Mackenzie by which they eventually reach the Arctic Ocean. If then you proceed up Bear River and sail across the lake, a distance of some three hundred miles or more from the mouth of Bear River, you come to the head of Great Bear Lake to Dease Bay in the extreme north-east. Great Bear Lake is quite as big as Lake Ontario. Then proceed up the Dease River to its head, cross over the height of land to the Dismal Lakes. The priests had a shack on Dease Bay, and they also had a small post, a log shack at Imaerinik (Lake Rouviere) near the Dismal Lakes where the Eskimo were accustomed to come to from the coast on their regular hunts for cariboo. You know every person in this country not from choice but from necessity, must be a meat eater. You do not get any fresh vegetables in that country; every man lives by his rifle. Every white man carries his rifle, whether he is priest or sinner, ordinary citizen or policeman. He lives on what he shoots, and cariboo is the principal food of the Eskimo and consequently of the white man. Then having reached the Dismal Lakes, you follow down this little river called the Kendall River to the Coppermine, and thence down to the mouth on Coronation Gulf. On the way you would pass a point which is marked on the map as Bloody Fall. It was a few miles above Bloody Fall that the scene of the death of these unhappy men was situated. Bloody Fall was so named by a Hudson Bay explorer named Hearne, who, coming up from one of the Hudson's Bay Company's

posts on Hudson Bay, accompanied by a large number of Indians, reached the mouth of the Coppermine River and was the first white man to determine its latitude, the first white man indeed actually to see the waters or ice of this part of the Arctic Ocean. This was in 1771. The Indians he brought with him found, just as the priests found, just as the Mounted Police found, the Eskimo engaged in fishing at the mouth of the Coppermine River, with spears. The Eskimo, before Father Rouviere and Father LeRoux went among them were not educated in the use of nets, did not know what they were: the fathers taught them. Hearne's Indians, against his remonstrances and he was the only white man of the party, fell upon the unfortunate Eskimo and slaughtered them to the last man, woman and child. Hearne appropriately named this spot Bloody Fall. And now one hundred and forty years afterwards an awful tragedy is enacted there which would well justify, if it had not already received it, the name of Bloody Fall.

Those distances that I have given to you amount almost, as the crow flies, from Edmonton to two thousand two hundred miles. That is the locus with which we are dealing at the present time.

Now, there were two missionary priests belonging to this diocese of Mackenzie who were working in the neighborhood that I have already described to you. The first one to take up this Missionary work was Father Rouviere who we know, and I think my learned friend knows and will admit, began his labors in the year 1911, continued them in 1912, and in 1913 still continued his efforts to evangelize and civilize and christianize the Eskimo as well as the Great Bear Indians. In 1913 he was joined by another missionary, Father LeRoux. We know that on the 26th of August he reports to his superior at Fort Norman that they are about to go to the Dismal Lakes to join the Eskimo who have come up from the mouth of the Coppermine and Coronation Gulf to hunt for caribou. From that point we have evidence of the actual presence of Father Rouviere and Father LeRoux with the Eskimo during their hunt in the fall of 1913. This man (indicating the witness) Koeha was there and saw the priests. He returned to the Coppermine River a short time before the main body of Eskimo did. But when the Eskimo came back to the Coppermine about the end of October, these two priests came with them to their camp at its mouth. We have evidence which is quite clear in regard to that. They remained there for two nights and two days, possibly one day more. They found that there was a

scarcity of food and starvation apparently starved them in the face if they remained where they had arrived. The last date in the diary of Father Rouviere is shortly after their arrival they had reached the mouth of Coppermine, and is on the 25th of October. The last page of the diary contains this paragraph—

MR. WALLBRIDGE: Well, now, Mr. McCaul,—

MR. McCAUL: Very well, if you have any objection.

I propose to tender in evidence the diary which I have just shown you, with the entries to which I have referred, but there may be some objection to its introduction which may have to be argued when the proper time comes. At any rate, we have this fact that the priests started back on their return journey by way of the Coppermine River towards their camp at Dismal Lakes. The night after they had started, two men, Sinnisiak and the other prisoner Uluksak, in the middle of the night, with one dog but without any sled or grub, started up the same trail as the priests had gone. The priests had an Eskimo sled with four dogs. The explanation these men give of this occurrence—their departure in the middle of the night with one dog only and no sled or grub—is that they were going up in order to render assistance to any other Eskimo that might be coming back from the Dismal Lakes. They caught up to the priests the next day and found them struggling with their loaded sled. The priests offered them traps if they would help to pull their sled. I suppose you are aware—we will show it is a very customary thing—men and women as well as dogs work in the sleds in the Arctic Regions and these men undertook to assist the priests in pulling their sled. We will have the statement taken before Inspector LaNauze showing just exactly what took place. I am not going to detail it at the present time because I do not know whether my friend is going to object to the introduction of the statement in evidence or not. Probably it is as well that I should not give the details of that until we produce the statements here. At any rate, these unfortunate priests the next day were killed and there is no dispute, I fancy, even between my friend and myself, that they were killed by the prisoner who is on trial here and by the other man, Uluksak, that day in November, 1913. The details of all of this will be laid before you as the trial proceeds. The prisoners returned after the death of the priests, one carrying a rifle and the other a 44 carbine, to the camp at Coppermine mouth, where the Eskimo had lived, where the priests had stayed with them, and from which Sinnisiak and Uluksak had started under the circumstances that I have mentioned to you. This man Koeha

who is here was present when they came back. They told Koeha and the rest of the people that they had killed the priests and that they had taken their rifles. A man named Kormik got quite indignant with Sinnisiak over the rifle and took it away from him—so Koeha states. They told the whole revolting details to the assembled crowd, including this witness who will speak of it. They told, gentlemen of the jury, how, after they had killed these men, they ripped them open, tore out their livers and each ate a portion: this is the cannibalism to which I referred.

We come now to the intervention of the force of which we are justly proud in this country, the Royal North West Mounted Police. It was not until 1915 that information was received that induced the Mounted Police to believe that the missing priests—they had been missing for two years—might have met with foul play. Inspector LaNauze was sent out on a special patrol from Regina, accompanied by Constables Wight and Withers. After reaching Fort Norman, accompanied by the interpreter Ilavinek, they crossed Great Bear Lake and established a camp close to the ruins of Old Fort Franklin (Fort Confidence really) where Sir John Franklin had had a post away back in the early years of the last century. They remained the winter there. Then as soon as it was possible to travel Inspector LaNauze made his way up the same trail I have described to you as taken by the priests and the Eskimo over by Dismal Lakes to the Coppermine, and down the Coppermine to its mouth, and proceeded to make enquiries there. He arrived there on the last day of April or the first day of May. Enquiries were instituted amongst the Eskimo. There they met this man Corporal Bruce who, some months before as I indicated to you, had come down by the little schooner yacht "Alaska," belonging to the Canadian Arctic Expedition, to Bernard Harbor. Corporal Bruce had quietly picked up from this tribe a large number of articles which will be identified by Father Duchausois as belongings of the priests: crucifixes and other such things. Eventually they learned the name of Sinnisiak as being one of the persons who had done the killing. Then follows the thrilling story of the arrest. They learned that Sinnisiak was probably in the neighborhood of Victoria land: the sea ice was still solid and they travelled over the ice to Bernard Harbor. From here the small party set out for Victoria Island, a trip which occupied, I think, two and a half or three days, camping on the ice. They discovered deserted snow villages where the Eskimo had camped; they followed the trail from one village to another until

they saw¹ the skin-tents of some Eskimo the summer tents—quite close to the shore of Victoria Island. They had with them another Eskimo named Uluksak; the other prisoner we have here is named Uluksak; this guide's name is Uluksak Mayuk. They went on to the village and after making enquiries, Uluksak Mayuk said he saw Sinnisiak's wife. Then afterwards they went around to his tent, the guide, Inspector LaNauze, Corporal Bruce and Ilavinek, these three men, the representatives of the Crown, and of the Dominion of Canada. They found this man Sinnisiak making a bow and promptly arrested him. Taking his wife with him part of the way to make things comfortable and pleasant for him, without hand-cuffs, or leg irons, threats or force, they returned with their prisoner to Bernard Harbor. Fortunately when they got there they got some information about an Island over here near the mouth of the Coppermine which led them to believe that Uluksak was among the people on this island. The police set out again for this island, and on their arrival, the people came down to welcome the party. One man hung back; did not seem inclined to come forward. They spotted him as Uluksak, found they were right, arrested him, brought him back to Bernard Harbor. Both prisoners, after the usual preliminary investigation at Bernard Harbor, were committed for trial. Constable Wight and Ilavinek then were sent back to the scene of the murder to take photographs and to see what they could find. They found there among other things which I will show to you, the diary I have mentioned. The prisoners, in charge of Inspector LaNauze, and Corporal Bruce, were put on board the little schooner Alaska and taken to Herschel Island, where they were confined until Inspector LaNauze got instructions to bring them out here.

It is the duty of the Crown prosecutor to be fair in all things to the prisoners, but at the same time to put before you gentlemen, all the evidence that points to their guilt. I shall now proceed to put that evidence before you.

MR. WALLBRIDGE: I must take great exception to my learned friend's address to the Jury. The address has been unfair, and calculated to prejudice the Jury by reason of the inflammatory remarks of counsel and it seems to me it would be hardly right to proceed unless you empanel a new jury. He made remarks to the jury which I think were very, very unfair.

MR. McCAUL: I am quite willing to leave myself in your Lordship's hands. I think there is no inflammable language. I put the case quite simply, stating no facts not practically admitted; not common ground.

THE COURT: It is quite unusual to deal with such matters at the opening. Generally counsel merely outlines the case to show what evidence he is going to present. However, I think you can trust the jury on these matters.

THE COURT: The procedure you have adopted of laying the charges separately may prolong the case for some time.

MR. McCAUL: I considered that this case was of such very great importance that it was necessary that the whole matter should be enlarged on from the general point of view, instead of merely outlining the evidence. I have read reports of many, many trials in which the opening of counsel have occupied pages and pages. In this case I thought I would be quite derelict in my duty if I did not to the best of my ability, take pains and great care to open the case to the Court and Jury, even if at more than the usual length.

Court adjourned till 2 o'clock P.M. today.

2 o'clock P.M., August 14th, 1917.

Court met pursuant to adjournment, and the trial of the above entitled action was resumed as follows:

MR. WALLBRIDGE: My Lord, before my learned friend proceeds with the evidence, it seems to me that his remarks to the Jury, that is that there was one offence committed, alleged to have been committed, by two men against two other men, that there should be one trial. His remarks to the jury did not show two offences. They showed rather the reverse, that there was one crime committed, if there were any crime at all. It seems to me, from the opening statement, there should be one trial.

MR. McCAUL: If there were any objection of that sort it should have been taken at the beginning, besides the undoubted right of the prosecution is to charge each one separately.

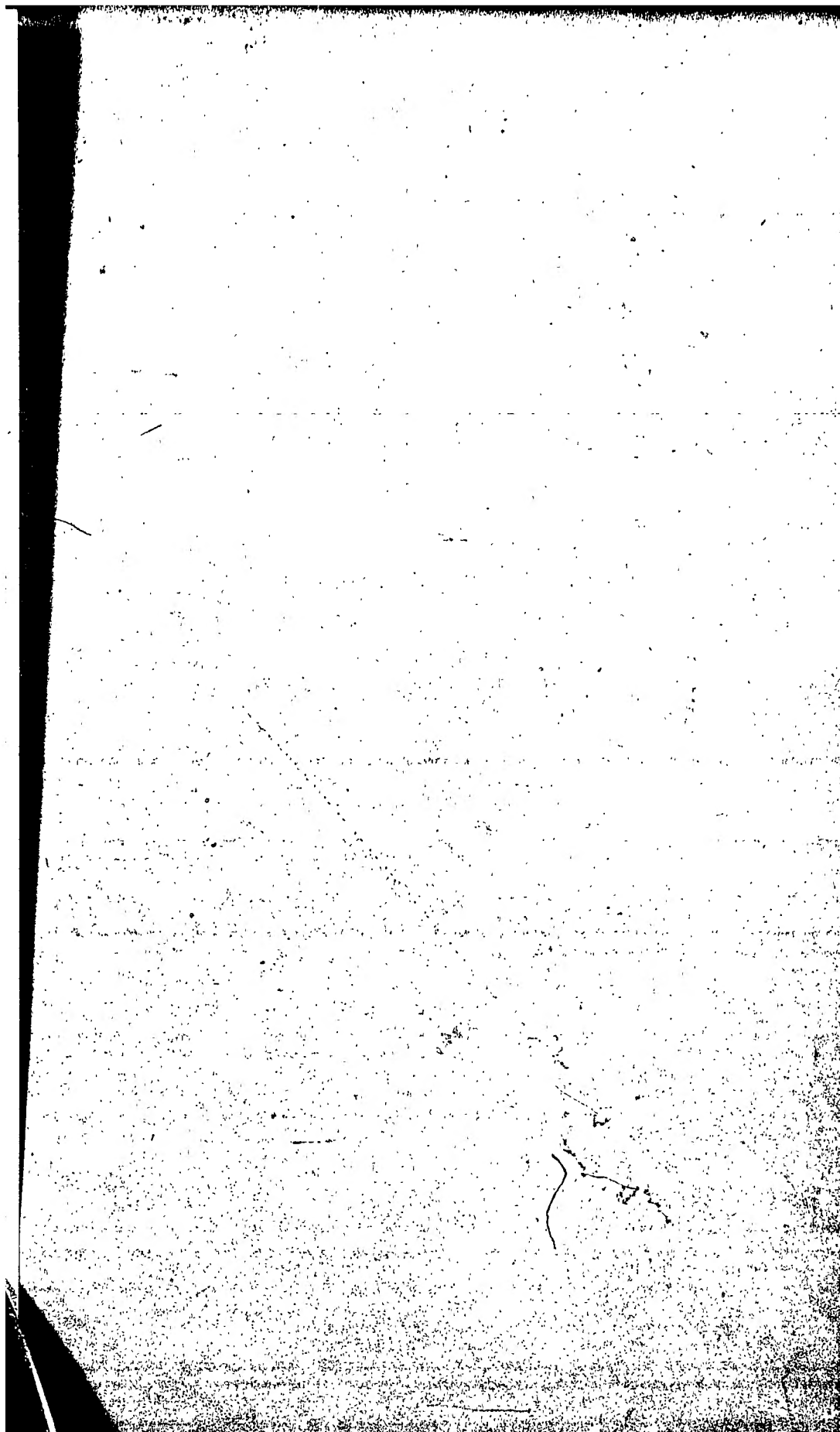
THE COURT: Mr. Wallbridge knows something about what the evidence was at the preliminary. I had certainly supposed there would be only one trial, but I know nothing of the details. However it is a matter over which the Crown must be given a certain amount of discretion, but I would urge that no unnecessary time be taken.

MR. McCAUL: Quite so, my Lord. Your Lordship will doubtless see, as the case develops, the reason why the charge is laid against this one prisoner and why this particular charge is laid.

SEE NEXT PAGE

NOTE

The prisoner Sinnisiak was acquitted by the Edmonton jury on the charge of murdering Father Rouviere. The venue was changed to Calgary, and the prisoners were charged jointly with the murder of Father LeRoux. They were found guilty, and sentenced to be hung. This sentence was almost at once, after the Chief Justice had officially reported to Ottawa by telegraph, commuted by the Governor-General-in-Council to life imprisonment at the Mounted Police guardroom at Herschel Island.



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